

PART 302-1—APPLICABILITY, GENERAL RULES, AND ELIGIBILITY CONDITIONS

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Subpart A—New Appointees and Transferred Employees

§ 302-1.1 Authority.

This chapter is issued pursuant to 5 U.S.C. 5721-5734 and 20 U.S.C. 905(a).

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§ 302-1.2 Applicability.

(a) *Persons covered.* Except as otherwise provided in this chapter, the following persons are covered:

(1) Civilian officers and employees upon transfer from one official station or agency to another for permanent duty.

(2) Civilian officers and employees of the United States Postal Service transferred under 39 U.S.C. 1006 from the Postal Service to an agency as defined in 5 U.S.C. 5721 for permanent duty.

(3) Civilian officers and employees assigned to posts of duty outside the con-

tinental United States in connection with overseas tour renewal agreement travel and upon return to places of residence for the purpose of separation.

(4) New appointees to any position.

(5) Student trainees assigned upon completion of college work to any position.

(6) Department of Defense overseas dependents school system teachers.

(7) Career appointees to the Senior Executive Service (SES), and prior SES appointees who have elected to retain SES retirement benefits, upon their retirement and return to the place the individual has elected to reside.

(b) *Persons excluded.* This chapter shall not apply to:

(1) Officers and employees transferred in accordance with the provisions of the Foreign Service Act of 1980, as amended.

(2) Officers and employees transferred in accordance with the provisions of the Central Intelligence Agency Act of 1949, as amended.

(3) Persons whose pay and allowances are prescribed under title 37, United States Code, "Pay and Allowances of the Uniformed Services."

(4) Personnel of the Veterans Administration to whom the provisions of 38 U.S.C. 235 apply.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 17, 56 FR 23656, May 23, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 37, 59 FR 27488, May 27, 1994]

§ 302-1.3 General provisions.

(a) *Travel covered*—(1) *Mandatory coverage.* When change of official station or other action described in this paragraph is authorized or approved by such official or officials as the head of the agency may designate, travel and transportation expenses and applicable allowances as provided in this chapter (see applicability and exclusions in pertinent parts) shall be paid in the case of:

(i) An employee transferring from one official duty station to another for permanent duty, provided the transfer is in the interest of the Government and is not primarily for the convenience or benefit of the employee or at his/her request; the transfer is to a new official station which is at least 10

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miles distant from the old official station; and, in the case of a relatively short distance relocation, a determination of eligibility is made under §302-1.7(a) of this part;

(ii) Eligible employees outside the continental United States traveling in connection with overseas tour renewal agreement travel;

(iii) Eligible employees returning from posts of duty outside the continental United States to places of actual residence for separation as provided in §302-1.12 of this part; and

(iv) Eligible individuals, as defined in §302-1.101 of this chapter, qualifying for “last move home” benefits upon separation from Government service as provided in subpart B of this part.

(2) *Discretionary coverage.* The head of an agency, or his/her designee, may authorize the payment of travel and transportation expenses and applicable allowances in the case of:

(i) A new appointee, as defined in §302-1.4(d), relocating from his/her place of actual residence at the time of appointment (or at the time following the most recent Presidential election, but before selection or appointment, in the case of an individual who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and who is appointed in the same fiscal year as the Presidential inauguration that immediately follows his/her transition activities) for permanent duty to an official station; and

(ii) An employee authorized a temporary change of station under subpart C of this part in connection with the employee's long-term assignment to a temporary official station.

(b) *Reasonable advance notice of reassignment or transfer.* As provided in 5 U.S.C. 5724(j), “the reassignment or transfer of any employee, for permanent duty, from one official station or agency to another which is outside the employee's commuting area shall take effect only after the employee has been given advance notice for a reasonable period. Emergency circumstances shall be taken into account in determining whether the period of advance notice is reasonable.” Agencies shall give as much advance notice as possible to enable the employee to begin the ar-

rangements necessary when relocating family and residence. However, see §302-1.7 governing payment of travel and transportation expenses and applicable allowances when short distances are involved. A reasonable period of advance notice should not be less than 30 days except when:

(1) The employee and both the losing and gaining agencies agree on a lesser period;

(2) Other statutory authority and implementing regulations stipulate a lesser period (see Office of Personnel Management regulations for specified timeframes); or

(3) Emergency circumstances prevail.

(c) *Travel authorization.* When it is determined that a relocation will be authorized at Government expense, a written travel authorization shall be issued to the new appointee or employee before he/she reports to the first or new official station. The agency should advise the employee, or individual selected for appointment, not to incur relocation expenses in anticipation of a relocation until he/she has received written notification. The travel authorization shall indicate the specific allowances which are authorized as provided in this chapter and provide instructions on the Federal procedures for procurement of travel and transportation services. The guidelines in §301-1.102 of this title on issuance of travel authorizations shall be followed. See also §302-1.10(c) for procedural requirements applicable to new appointees.

(d) *Applicable provisions for reimbursement purposes.* Because of successive changes to the statutes and the regulatory provisions governing relocation allowances and the extended period of time that employees retain eligibility for certain allowances (see §§302-1.6 and 302-6.1(e)), the reimbursement maximums or limitations applicable to certain allowances will not be the same for all employees even though claims may be filed within the same timeframe. The regulatory provisions in effect on the employee's or new appointee's effective date of transfer or appointment (see §302-1.4(l)) shall be

used for payment or reimbursement purposes.

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§ 302-1.4 Definitions.

As used in this chapter, and unless otherwise specifically provided in this chapter, the following definitions apply:

(a) *Continental United States*. Continental United States (or CONUS) means the 48 contiguous States and the District of Columbia.

(b) *United States*. United States means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the territories and possessions of the United States, and the areas and installations in the Republic of Panama that are made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979).

(c) *Employee*. A civilian officer or employee of an *agency* as defined in paragraph (e) of this section. The term also includes new appointees as defined in paragraph (d) of this section.

(d) *New appointee*. *New appointee* includes any person newly appointed to Government service, including an individual who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and who is appointed in the same fiscal year as the Presidential inauguration that immediately follows his/her transition activities. *New appointee* also includes an individual appointed after a break in service except that an employee separated as a result of reduction in force or transfer of function may be treated as a transferee instead of a new appointee under the conditions set out in § 302-1.9. In addition, for purposes of chapters 301-304 of this title, the term *new appointee* includes a student trainee who is assigned upon completion of college work.

(e) *Agency*. For purposes of this chapter, *agency* means:

(1) An *Executive agency* as defined in 5 U.S.C. 105 (an executive department, an independent establishment, the General Accounting Office, or a wholly owned Government corporation as defined in section 101 of the Government Corporation Control Act, as amended, but excluding a Government controlled corporation);

(2) A military department;

(3) A court of the United States;

(4) The Administrative Office of the United States Courts;

(5) The Federal Judicial Center;

(6) The Library of Congress;

(7) The United States Botanic Garden;

(8) The Government Printing Office; and

(9) The District of Columbia.

(f) *Immediate family*. (1) Any of the following named members of the employee's household at the time he/she reports for duty at the new permanent duty station or performs authorized or approved overseas tour renewal agreement travel or separation travel:

(i) Spouse;

(ii) Children of the employee or employee's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support. (The term "children" shall include natural offspring; stepchildren; adopted children; grandchildren, legal minor wards, or other dependent children who are under legal guardianship of the employee or employee's spouse; and a child born after the employee's effective date of transfer when the travel of the employee's expectant spouse to the new official station is prevented at the time of the transfer because of advanced stage of pregnancy, or other reasons acceptable to the agency concerned, e.g., awaiting completion of the school year by other children.);

(iii) Dependent parents (including step- and legally adoptive parents) of the employee or employee's spouse (see paragraph (f)(2) of this section for dependent status criteria); and

(iv) Dependent brothers and sisters (including step- and legally adoptive brothers and sisters) of the employee

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or employee's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support. (See paragraph (f)(2) of this section for dependent status criteria.)

(2) Generally, the individuals named in paragraphs (f)(1) (iii) and (iv) of this section shall be considered dependents of the employee if they receive at least 51 percent of their support from the employee or employee's spouse; however, this percentage of support criteria shall not be the decisive factor in all cases. These individuals may also be considered dependents for the purposes of this chapter if they are members of the employee's household and, in addition to their own income, receive support (less than 51 percent) from the employee or employee's spouse without which they would be unable to maintain a reasonable standard of living.

(g) *Temporary storage.* Storage of household goods for a limited period of time at origin, destination, or en route in connection with transportation to, from, or between official stations or posts of duty or authorized alternate points.

(h) *Nontemporary storage.* Storage of household goods while an employee is assigned to or is at an official station or post of duty to which he/she will not or cannot transport such household goods.

(i) *Mobile home.* Any type of house trailer or mobile dwelling constructed for use as a residence and designed to be moved overland, either by self-propulsion or towing. Also, a boat when used as the employee's primary residence.

(j) *Household goods.* (1) All personal property associated with the home and all personal effects belonging to an employee and the immediate family when shipment or storage begins, which can be legally accepted and transported as household goods by an authorized commercial carrier in accordance with the rules and regulations established or approved by an appropriate Federal or State regulatory authority, except the items excluded in this paragraph. Snowmobiles and vehicles with two or three wheels, e.g., motorcycles, mopeds, and golf carts, may be shipped as household goods. The following

items are specifically excluded from the definition of household goods:

(i) Automobiles, trucks, vans and similar motor vehicles; boats; airplanes; mobile homes; camper trailers; and farming vehicles;

(ii) Live animals, birds, fowls, and reptiles;

(iii) Cordwood and building materials; and

(iv) Property for resale, disposal, or commercial use rather than for use by the employee or the immediate family; and

(v) Any property or items which carriers' tariffs prohibit carriers from accepting for shipment. Agencies are advised to consult applicable tariffs or to contact the carrier involved if problems arise concerning shipment of the following prohibited articles:

(A) Property liable to impregnate or otherwise damage equipment or other property (e.g., hazardous articles including explosives, flammable and corrosive materials, and poisons);

(B) Articles which cannot be taken from the premises without damage to the article or the premises;

(C) Perishable articles, including frozen foods, articles requiring refrigeration, or perishable plants unless: the shipment is to be transported not more than 150 miles and/or delivery accomplished within 24 hours from the time of loading; no storage of shipment is required; and no preliminary or enroute servicing or watering or other preservative method is required of the carrier.

(2) Items which are irreplaceable or are of extreme value or sentiment are not provided special security by the carrier even though extra-value insurance may be purchased. Employees and their immediate families are advised to personally transport these types of items.

(k) *Official station or post of duty.* The building or other place where the officer or employee regularly reports for duty. (For eligibility for change of station allowances, see §§ 302-1.3 and 302-1.7.) With respect to entitlement under this chapter relating to the residence and the household goods and personal effects of an employee, official station or post of duty also means the residence or other quarters from which the

employee regularly commutes to and from work. However, where the official station or post of duty is in a remote area where adequate family housing is not available within reasonable daily commuting distance, residence includes the dwelling where the family of the employee resides or will reside, but only if such residence reasonably relates to the official station as determined by an appropriate administrative official.

(l) *Effective date of transfer or appointment.* The date on which an employee or new appointee reports for duty at his/her new or first official station.

(m) *Foreign Service of the United States.* Foreign Service of the United States means the Foreign Service as constituted under the Foreign Service Act of 1980.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 17, 56 FR 23656, May 23, 1991; FTR Amdt. 20, 56 FR 46989, Sept. 17, 1991; FTR Amdt. 26, 57 FR 28634, 28635, June 26, 1992; FTR Amdt. 84, 64 FR 29163, May 28, 1999]

§ 302-1.5 Service agreements.

(a) *Transfers within the continental United States and appointments and assignments of new appointees and student trainees to any position within the United States.* In connection with the transfer of employees between official stations within the continental United States, expenses authorized under this chapter shall not be allowed until the employee selected for such transfer agrees in writing to remain in the service of the Government for 12 months following the effective date of the transfer, unless separated for reasons beyond his/her control that are acceptable to the agency concerned. In case of a violation of such an agreement, including failure to effect the transfer, any funds expended by the Government for expenses authorized under this chapter shall be recoverable from the individual concerned as a debt due the Government. Such an agreement also is required from new appointees and student trainees appointed or assigned to any position within the United States, as a condition of payment for travel, transportation, moving and/or storage of household goods, and allowances as provided in § 302-1.10. A signed agreement for 12 months' service shall be re-

quired for each permanent change of station.

(b) *Transfers, appointments, and separations involving posts of duty outside the continental United States.* (1) In connection with the transfer or appointment of employees to posts of duty outside the continental United States, or between posts located in (i) separate countries, (ii) separate areas of the United States located outside the continental United States (e.g., Alaska, Hawaii, the Commonwealth of Puerto Rico), or (iii) any combination of these areas, the expenses of travel, transportation, moving and/or storage of household goods, and other applicable allowances as provided in this chapter shall not be allowed unless and until the employee selected for such transfer or appointment agrees in writing to remain in the service of the Government for 12 months following the effective date of the transfer or appointment (or for 1 school year for Department of Defense overseas dependents school system teachers as determined under chapter 25 of title 20 of the United States Code), unless separated for reasons beyond his/her control and acceptable to the agency concerned. In case of a violation of such an agreement, including failure to effect the transfer, any funds expended by the Government for such travel, transportation, and allowances shall be recoverable from the individual concerned as a debt due the Government.

(2) Except as precluded by this chapter, upon separation from service, the expenses for return travel, transportation, and moving and/or storage of household goods shall be allowed whether the separation is for the purposes of the Government or for personal convenience. However, such expenses shall not be allowed unless:

(i) The employee transferred or appointed to posts of duty outside the continental United States shall have served for a minimum period of not less than 1 nor more than 3 years prescribed in advance by the head of the agency (or for 1 school year for Department of Defense overseas dependents school system teachers as determined under chapter 25 of title 20, United States Code); or

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(ii) Separation is for reasons beyond the control of the individual and acceptable to the agency concerned.

(3) The head of the agency also shall consider requiring a service agreement in connection with the transfer of employees not otherwise covered by this subpart. The agreement shall provide that in determining any employee indebtedness for violation of such agreement, credit shall be given to the extent of any unused entitlements he/she may have earned for return travel and transportation to his/her place of actual residence for separation.

(c) *Employee liability.* The agreement to remain in the service of the Government for 12 months following the effective date of transfer is not voided by a subsequent transfer whether such subsequent transfer is at the employee's request or in the interest of the Government, nor is such agreement voided by another service agreement made in connection with a second transfer. The liability of the employee for any funds expended by the Government for his/her travel, transportation, and relocation allowances is a separate liability for each service agreement. The liability in each instance is effective for the full 12-month period in connection with the transfer for which the service agreement was made.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991; FTR Amdt. 17, 56 FR 23656, May 23, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 84, 64 FR 29163, May 28, 1999]

§ 302-1.6 Time limits for beginning travel and transportation.

All travel, including that for the immediate family, and transportation, including that for household goods allowed under this chapter, shall be accomplished as soon as possible. The maximum time for beginning allowable travel and transportation shall not exceed 2 years from the effective date of the employee's transfer or appointment, except that:

(a) The 2-year period is exclusive of the time spent on furlough for an employee who begins active military service before the expiration of such period and who is furloughed for the duration of his/her assignment to the post of

duty for which transportation and travel expenses are allowed;

(b) The 2-year period does not include any time during which travel and transportation is not feasible due to shipping restrictions for an employee who is transferred or appointed to or from a post of duty outside the continental United States; and

(c) The 2-year period shall be extended for an additional period of time not to exceed 1 year when the 2-year time limitation for completion of residence transactions is extended under § 302-6.1(e).

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§ 302-1.7 Short distance involved.

(a) *Transfers.* When the change of official station involves a short distance (at least 10 miles between stations as provided in § 302-1.3(a)(1)) within the same general local or metropolitan area, the travel and transportation expenses and applicable allowances in connection with the employee's relocation of his/her residence shall be authorized only when the agency determines that the relocation was incident to the change of official station. Such determination shall take into consideration such factors as commuting time and distance between the employee's residence at the time of notification of transfer and his/her old and new posts of duty as well as the commuting time and distance between a proposed new residence and the new post of duty. Ordinarily, a relocation of residence shall not be considered as incident to a change of official station unless the one-way commuting distance from the old residence to the new official station is at least 10 miles greater than from the old residence to the old official station. Even then, circumstances surrounding a particular case (e.g., relative commuting time) may suggest that the move of residence was not incident to the change of official station. (See also specific distance limitations applicable to individual allowances; i.e., househunting trips in § 302-4.3(c) and eligibility for temporary quarters subsistence expenses in § 302-5.4(b).)

(b) *Appointments.* For new appointees, whose place of actual residence at the time of selection for appointment and

first duty station are located in the same general local or metropolitan area and who relocate their places of residence as a result of the appointment, the travel and transportation expenses as provided in § 302-1.10 shall be authorized only when the agency determines that the relocation of residence was incident to the appointment. To the extent applicable, the principles prescribed for transferred employees shall be considered in making this determination.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 17, 56 FR 23657, May 23, 1991; FTR Amdt. 59, 62 FR 13756, Mar. 21, 1997; FTR Amdt. 63, 62 FR 13768, Mar. 21, 1997]

§ 302-1.8 Two or more family members employed.

(a) *Members of the same immediate family who are employees.* When two or more employees are members of the same immediate family, the allowances authorized under this chapter shall apply either to:

(1) Each employee separately, in which instance none of the employees is eligible for any allowance as a member of the immediate family; or

(2) Only one of the employees selected in accordance with paragraph (c) of this section, in which case the other employee(s) is eligible for allowances solely as a member(s) of the immediate family.

(b) *Non-employee members of the immediate family.* When two or more employee members of the same immediate family elect separate allowances under paragraph (a)(1) of this section, non-employee members of the immediate family shall not receive duplicate allowances because of the fact that the employee members elected separate allowances.

(c) *Payment limitation.* When employee members of the same immediate family elect separate allowances under paragraph (a)(1) of this section, the employing agency or agencies shall not make duplicate payment for the same expenses.

(d) *Procedures.* A determination as to which of the two alternatives provided in paragraph (a) of this section is selected shall be made in writing and signed by all employee members of the same immediate family. When em-

ployee family members elect separate allowances under paragraph (a)(1) of this section, the determination also shall specify under which employee member's authorization non-employee family members will receive allowances. A copy of this determination shall be filed with the agency in which each employee member is employed.

[FTR Amdt. 20, 56 FR 46989, Sept. 17, 1991]

§ 302-1.9 Reduction in force involved.

(a) *Impending separation.* When an employee is assigned to a new official station after having been notified of involuntary separation not for cause but incident to the reduction, cessation, or transfer of the work at the station where he/she was employed, the transfer of the employee is deemed to be in the interest of the Government unless there is an affirmative administrative determination that the transfer is primarily for the employee's convenience or benefit.

(b) *Reemployment after separation.* A former employee separated by reason of reduction in force or transfer of function who within 1 year of the date of separation is reemployed by an agency for a nontemporary appointment, at a different permanent duty station from that where the separation occurred, may be allowed and paid the expenses and other allowances (excluding nontemporary storage when assigned to an isolated permanent duty station within the continental United States) in the same manner as though he/she had been transferred in the interest of the Government to the permanent duty station where reemployed, from the permanent duty station where separated, without a break in service, and subject to the eligibility limitations as prescribed in this chapter.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992]

§ 302-1.10 New appointees.

(a) *Coverage.* New appointees to any position are eligible for payment only of those travel and transportation expenses listed in paragraph (e) of this section in relocating to their first official station. New appointees include student trainees who are assigned upon

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completion of college work. New appointees include not only individuals when first appointed to Government service but also individuals appointed after a break in service except that employees separated as a result of reduction in force or transfer of function may be treated as transferees instead of new appointees under the conditions set forth in § 302-1.9.

(b) *Authorization and eligibility*—(1) *Authority to pay.* Agencies may pay the relocation expenses allowed in paragraph (e) of this section for new appointees determined eligible under paragraph (b)(2) of this section. However, once an agency has made the determination to pay relocation expenses in an individual case, it must pay all of the allowable relocation expenses contained in paragraph (e) of this section.

(2) *Eligibility determination.* Each agency shall establish specific criteria for determining which new appointees qualify for payment of allowable relocation expenses. The Office of Personnel Management has issued guidelines in 5 CFR part 572 for agencies to follow in making these personnel determinations.

(c) *Agency responsibility.* Because new appointees usually lack experience in Government procedures, each agency shall adopt special measures to provide full information to new appointees concerning the benefits which may be available to them for travel and transportation involved in reporting to their official stations. Special care shall be taken to inform appointees of the limitations on available benefits.

(d) *Procedural requirements*—(1) *Agreement.* No payment for otherwise allowable expenses or for an advance of funds shall be made unless the appointee or student trainee has signed the agreement appropriate in his/her case as provided in § 302-1.5.

(2) *Travel before appointment.* Authorized expenses may be paid even though the individual concerned has not been appointed at the time travel to the first official station is performed. For individuals who have performed Presidential transition activities, as described in § 302-1.3(a)(2), allowable travel and transportation may take place at any time following the most recent Presidential election. However, entitle-

ment to such expenses does not vest by virtue of selection for the position or authorization for travel as provided in § 302-1.3(c) but vests only upon actual appointment of the individual concerned. However, nothing in this paragraph shall be construed to limit the provisions of part 301-1, subpart C, allowing the payment of pre-employment interview travel.

(3) *Prior payment.* A student trainee may not receive payments at the time of his/her assignment if the expenses of travel and transportation were paid at the time he/she was appointed as a student trainee.

(e) *Allowable expenses.* Items of expense listed in paragraphs (e) (1) through (6) of this section are payable under the conditions prescribed in this chapter governing the allowance in question. Note particularly that not all of the listed items will be applicable in each situation covered by this part.

(1) Travel expenses including per diem for the appointee or student trainee as set forth in § 302-2.1;

(2) Transportation for immediate family of appointee or student trainee as set forth in § 302-2.2(a);

(3) Mileage if privately owned vehicle is used in travel as set forth in § 302-2.3;

(4) Transportation and temporary storage of household goods as set forth in part 302-8;

(5) Nontemporary storage of household goods if appointed to an isolated location as set forth in § 302-9.1; and

(6) Transportation of mobile homes as set forth in part 302-7.

(f) *Expenses not allowable.* Items of expense not listed in paragraph (e) of this section which are authorized for reimbursement in case of transfers under this chapter (e.g., per diem for family, cost of house-hunting trip, subsistence while occupying temporary quarters, a miscellaneous expense allowance, residence sale and purchase expenses, lease-breaking expenses, and relocation services) are not allowable to appointees and student trainees eligible under this section.

(g) *Alternate origin and destination.* The limit on travel and transportation expenses in each individual case is the cost of direct travel or transportation as allowable between the individual's

place of residence at the time of selection or assignment (or in the case of individuals having performed Presidential transition activities, as described in §302-1.3(a)(2), the place of residence at the time of relocation following the most recent Presidential election) and the official station to which he/she is appointed or assigned; however, travel and transportation may be from and/or to other locations if the new appointee or student trainee pays any excess cost involved in such alternate travel or transportation.

(h) *Advance of funds.* An advance of funds for expenses allowable under this section may be made to appointees and student trainees under the procedures prescribed in §302-1.14(a) and the part of this subtitle governing the allowance being considered.

[FTR Amdt. 17, 56 FR 23657, May 23, 1991, as amended by FTR Amdt. 26, 57 FR 28634, June 26, 1992; FTR Amdt. 32, 58 FR 58243, Oct. 29, 1993; FTR Amdt. 37, 59 FR 27488, May 27, 1994]

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§302-1.12 Overseas assignment and return.

(a) *Transferees.* Employees transferred to, from, and between official stations outside the continental United States are eligible for many of the benefits provided by this chapter, and employees transferred to such stations are eligible for return transportation under the conditions and limitations contained in paragraphs (c) through (g) of this section. Specific eligibility provisions and applicable limitations are contained in the parts of this chapter relating to the benefits provided.

(b) *New appointees—(1) Residence at time of appointment.* A new appointee to a position outside the continental United States is eligible for certain travel and transportation benefits under this chapter if his/her residence at the time of appointment is in an area other than the area in which his/her official station is located. Under this rule “area” means a foreign country, the continental United States, Alaska, Hawaii, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana Islands, or a United States territory or possession.

(2) *Allowable expenses.* Allowances and the parts of this chapter which apply are as follows:

(i) Travel and per diem for appointees as set forth in §302-2.1;

(ii) Travel for the appointee’s immediate family, but not per diem, as set forth in §302-2.2;

(iii) Mileage to the extent travel is performed by privately owned automobile as set forth in §302-2.3;

(iv) Transportation and temporary storage of household goods as set forth in part 302-8;

(v) Nontemporary storage of household goods as set forth in §302-9.2;

(vi) Transportation of mobile homes in limited circumstances as set forth in part 302-7; and

(vii) Transportation of an employee’s personal automobile as set forth in part 302-10.

(3) *Expenses not allowable.* Items of expense not listed in paragraph (b)(2) of this section which are authorized for reimbursement under this chapter in the case of transfers (e.g., per diem for family, cost of house-hunting trip, subsistence while occupying temporary quarters, miscellaneous expense allowance, residence sale and purchase expenses, and lease-breaking expenses) may not be authorized for appointees eligible under this section.

(4) *Alternate origin or destination.* Travel and transportation benefits authorized are from the employee’s residence at time of appointment to his/her official station. If alternate origins or destinations are involved, the cost which will be paid by the Government may not exceed the cost that would have been incurred for the travel or transportation in question between the residence and the official station.

(5) *Advance of funds.* An advance of funds for expenses allowable under paragraph (b)(2) of this section may be made to appointees under the procedures prescribed in §302-1.14(a) and the part of this chapter governing the allowance being considered.

(c) *Actual place of residence designation—(1) Designation by employee.* When an employee is selected for transfer or appointment to a post of duty outside the continental United States, the

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place of actual residence shall be determined at the time of selection and designated in the written agreement prescribed in § 302-1.5(b) to remain in the Government service for a minimum period of time prescribed by the agency head pursuant to law. An employee hired locally at a location outside the continental United States who claims residence at another location in the United States, the Commonwealth of Puerto Rico or the Commonwealth of the Northern Mariana Islands, or a United States territory or possession at time of appointment, shall designate in writing the claimed place of actual residence for the consideration of agency officials.

(2) *Determination by agency official.* Determination of the place of actual residence shall be made by an authorized agency official on the basis of all the facts in the record. When there is doubt as to the place of actual residence, the employee is responsible for supplying any further information necessary to support designation of the claimed place of actual residence.

(3) *Guidance in determination of residence.* While it is not feasible to establish rigid standards for what constitutes a place of residence, the concept of residence represented in an existing statutory provision (8 U.S.C. 1101(33)) may be used as general guidance. This concept views residence as the place of general abode, meaning the principal, actual dwelling place in fact, without regard to intent. Determination of the place of actual residence is primarily an administrative responsibility and the place constituting the actual residence must be determined upon the factual circumstances in each case. Examples of factors which shall be considered, whenever applicable, by agency officials charged with this responsibility are:

(i) The place of actual residence of a dependent student generally is presumed to be the same as that of the parents and, except in rare instances, this situation would not be changed by the student attending college in another place.

(ii) The place at which the employee physically resided at time of selection for appointment or transfer frequently

constitutes the place of actual residence and shall be so regarded in the absence of circumstances reasonably indicating that another location may be designated as the place of actual residence.

(iii) Designation of a place of actual residence in an official document signed by the employee earlier in Government employment shall be regarded as originally intended to be a continuing designation, and the burden is upon the employee to establish clearly that the earlier designation was in error or that later circumstances entitle a different designation to be made. After an employee has been transferred or appointed to a post of duty outside the continental United States, the location of the place of actual residence incorporated in the official records of such employment shall be changed only to correct an error in the designation of residence.

(iv) Presence in the individual's work history of a representative amount of full-time employment at or in the immediate geographic area of the location designated as place of actual residence is a significant factor, but lack of such history does not preclude the designation of the location as place of actual residence.

(v) The chronological record of individual or family association with a locality is usually significant only in connection with an analysis of other circumstances explaining the nature of such association. Frequent or extended visits to a locality must be evaluated in relation to the purpose of the visits and sometimes in relation to the nature of the area itself. For example, vacation visits to a resort area, without the added support of other factors, should not be regarded as adequate to establish a place of actual residence.

(vi) Recognition and exercise by the employee of the privileges and duties of citizenship in a particular jurisdiction, such as voting and payment of taxes on income and personal property are factors for consideration, but agency application of standards about place of residence should not be such as to discourage employees from property ownership or participation in community affairs at a nonforeign location outside the continental United States.

(d) *Return for separation.* When an employee is eligible for return travel and transportation to his/her place of actual residence upon separation after completion of the period of service specified in an agreement executed under § 302-1.5(b) or is separated for reasons beyond his/her control and acceptable to the agency concerned, he/she may receive travel and transportation to an alternate location, provided the cost to the Government shall not exceed the cost of travel and transportation to his/her residence at the time he/she was assigned to an overseas station. However, under decisions of the Comptroller General, ordinarily, an employee is entitled to travel and transportation expenses upon separation only to the country of actual residence at the time of assignment to such duty.

(e) *Prior return of immediate family—(1) When employee is eligible for return transportation.* When an employee has become eligible for return transportation by satisfactorily completing an agreed period of service at a post of duty outside the continental United States, the Government shall pay one-way transportation expenses for returning the employee's immediate family and household goods before the employee's return to his/her place of actual residence in the United States.

(2) *Return for compassionate reasons.* One-way transportation expenses for the return of the employee's immediate family and his/her household goods also may be paid without regard to the employee's completion of an agreed period of service provided it has been determined under regulations prescribed by the head of the agency concerned that the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature, which may involve physical or mental health, death of a member of the immediate family, or obligations imposed by authority or circumstances over which the individual has no control.

(3) *Limited to one return trip.* Expenses allowed as provided in paragraphs (e) (1) and (2) of this section shall be paid by the Government not more than one time during each agreed period of serv-

ice and are subject to chapter 301 of this title.

(4) *Part of household goods retained overseas.* In connection with the prior return of his/her family, the employee may elect to retain a portion of the household goods with him/her at the post of duty and ship the remainder to his/her place of actual residence. In such an instance, the Government will pay for shipment of both parts of the household goods, provided the aggregate weight of both shipments does not exceed the applicable weight limits.

(5) *Alternate destination.* If the employee's immediate family and household goods are returned to a location in the United States other than the place of actual residence therein, the allowable expenses shall not exceed those allowable for return over a usually traveled route between the post of duty and the place of actual residence.

(6) *Prior return at employee's expense—reimbursement.* There may be circumstances in which an employee elects to return his/her immediate family and the household goods or any part thereof at his/her own expense to any of the United States when he/she is not eligible for such transportation under this paragraph. In such an instance, and after the employee becomes eligible for transportation at Government expense, he/she may be reimbursed for the proper expenses which he/she had previously paid. He/She will be reimbursed in accordance with the applicable provisions of this paragraph only for expenses which are supported by receipts or other appropriate documentation furnished to the Government under regulations prescribed by the head of the agency concerned.

(f) *Return of former spouse and dependents.* Paragraph (e) of this section also applies to the spouse and dependents of an employee who have traveled to the employee's overseas post of duty as dependents (as provided in § 302-1.4(f)) at Government expense, even if, because of divorce or annulment, such individuals will have ceased to be dependents as of the date the employee becomes eligible for return travel. Travel of such former dependents is authorized by the employee's next entitlement to return travel but not beyond the end of the employee's current agreed tour of duty.

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(g) *Return of family member over 21.* If a member of the immediate family, as defined in §302-1.4(f), reaches his/her twenty-first birthday while the employee is assigned to duty overseas, that person may be returned to the United States (or foreign location at which the actual residence is located) at Government expense, provided his/her last travel overseas was at Government expense as a member of the employee's immediate family. Return of that person is authorized by the employee's next entitlement to travel to the United States (or foreign location at which the actual residence is located) but not beyond the end of the employee's current agreed tour of duty.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 10, 55 FR 41536, Oct. 12, 1990; FTR Amdt. 17, 56 FR 23657, May 23, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 84, 64 FR 29163, May 28, 1999]

§302-1.13 Overseas tour renewal agreement travel.

Employees may be eligible to receive allowances for travel and transportation expenses for the purpose of returning home to take leave between tours of duty overseas as provided in this section. These provisions are applicable to employees serving tours of duty at posts of duty outside the United States. These provisions are also applicable to employees serving tours of duty in Alaska or Hawaii but only under the conditions specified in paragraphs (a) (2) and (3) of this section.

(a) *Eligibility.* Employees may be eligible to receive allowances for travel and transportation expenses for returning home between tours of duty overseas under the criteria set forth in paragraphs (a) (1) through (3) of this section.

(1) *Eligibility requirements for all areas outside the continental United States.* In order to be eligible for allowances under this section, an employee before departure from his/her post of duty outside the continental United States must have:

(i) Satisfactorily completed an agreed period of service or the prescribed tour of duty as provided in §302-1.5(b) for return travel entitlement;

(ii) Entered into a new written agreement as provided in §302-1.5(b) for another period of service at the same or another post of duty outside the continental United States. The agreement shall cover costs incident to the travel to the employee's place of actual residence or alternate location and return and any additional cost paid by the Government as a result of a transfer of the employee to another official station overseas at the time of the tour renewal agreement travel; but as provided in §302-1.5(b), the agreement will be for 12 months with respect to the transfer costs; and

(iii) Qualified for eligibility status under the provisions of paragraphs (a) (2) and/or (3) of this section, if the post of duty involved is located in Alaska or Hawaii.

(2) *Employees stationed in Alaska or Hawaii on September 8, 1982.* An employee whose status on September 8, 1982, was any one of the situations listed in paragraph (a)(2) (i), (ii), or (iii) of this section involving a post of duty in Alaska or in Hawaii will continue to be eligible to receive allowances for travel and transportation expenses for tour renewal agreement travel provided the employee continues to serve consecutive tours of duty at posts of duty within Alaska or at posts of duty within Hawaii. Transfers between a post of duty in Alaska and a post of duty in Hawaii will not constitute consecutive tours of duty for purposes of continuing eligibility under this section. On September 8, 1982, the employee must have been:

(i) Serving a current tour of duty in Alaska or Hawaii;

(ii) En route to a post of duty in Alaska or Hawaii under a written agreement to serve a tour of duty; or

(iii) Engaged in tour renewal agreement travel and have entered into a new written agreement to serve another tour of duty in Alaska or in Hawaii.

(3) *Employees assigned, appointed, or transferred to a post of duty in Alaska or Hawaii after September 8, 1982.* (i) Except for situations described in paragraph (a)(2) of this section, the travel and transportation expenses allowable for tour renewal agreement travel under

this section may not otherwise be authorized for employees assigned, appointed, or transferred to a post of duty in Alaska or Hawaii after September 8, 1982, unless it is determined under regulations prescribed by the agency head that payment of these expenses is necessary for the purpose of recruiting or retaining an employee for service of a tour of duty at a post of duty in Alaska or Hawaii. This authority must be used sparingly and only when required to fulfill agency staffing needs to accomplish the agency's mission. These provisions are intended to ensure the availability of well qualified employees or those employees with special skills and knowledge who are not available in the local area, and to fill positions in remote areas. Agency regulations shall prescribe criteria and guidelines to determine the need for payment of tour renewal agreement travel expenses. The agency determination that it is necessary to pay the expenses of tour renewal agreement travel as a recruiting or retention incentive in order to fill a particular position in Alaska or Hawaii shall be reviewed periodically but not less than every 5 years.

(ii) The payment of travel and transportation expenses for tour renewal agreement travel for recruiting or retention purposes is limited to two round trips beginning within 5 years after the date the employee first begins any period of consecutive tours of duty in Alaska or Hawaii. Employees shall be advised in writing of this limitation.

(4) *Effect on other allowances.* Paragraphs (a) (2) and (3) of this section do not affect the provisions of §302-1.12 governing overseas assignments and return for employees transferred or new appointees to posts of duty in Alaska and Hawaii.

(b) *Allowable travel and transportation—(1) Destination.* An eligible employee and his/her immediate family shall be allowed expenses for travel from the post of duty outside the continental United States to his/her place of actual residence at the time of assignment to a post of duty outside the continental United States (also referred to as "actual residence" in this section). Those expenses shall also be allowed from the place of actual residence upon

return to the same or another post of duty outside the continental United States; except with respect to Alaska and Hawaii, the return must be to a post of duty located within the same State (Alaska or Hawaii) as the post of duty at which the employee served immediately before tour renewal agreement travel (see paragraph (a)(2) of this section).

(2) *Allowances.* These allowances are payable under chapter 301 of this title and are limited to per diem and transportation costs for the employee and transportation costs, but not per diem, for his/her immediate family. (See §302-2.1.) If a transfer is also involved, family per diem may be paid as authorized by §302-2.2(b) to the extent such per diem is payable incident to direct travel between posts of duty.

(3) *Alternate destination.* An employee and his/her family may travel to a location in the United States or another country in which the place of actual residence is located other than the location of the place of actual residence; however, an employee whose actual residence is in the United States must spend a substantial amount of time in the United States incident to travel under this section to be entitled to the allowance authorized. The amount allowed for travel and transportation expenses when travel is to an alternate location shall not exceed the amount which would have been allowed for travel over a usually traveled route from the post of duty to the place of actual residence and for return to the same or a different post of duty outside the continental United States as the case may be.

(c) *Limitations—(1) Husband and wife both employed.* If husband and wife are both employed in the immediate geographic area by the same or different agencies as employees under the terms of this chapter, the allowances authorized in this section shall apply to each of them separately, in which instance neither of them is eligible for any allowances as the spouse, or to either of them, in which instance one is considered the head of the household and the other is eligible for allowances as the spouse. In applying these alternatives,

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other members of the immediate family shall not receive duplicate allowances because of the fact that both husband and wife are employees. A determination as to which of the two alternatives is selected shall be made in writing and shall be signed by both husband and wife. A copy of this determination shall be filed with the agency in which each is employed.

(2) *Local hires not eligible*—(i) *Married persons in area with spouse.* An employee hired locally is not eligible for allowances under this section if he/she is married and is in the immediate geographic area because his/her spouse is in the area as a member of the Foreign Service, a member of the uniformed services (as defined in title 37, U.S.C.), a private individual, or an employee of a private individual or a non-Federal organization.

(ii) *Minors in area with parents.* An employee hired locally who is unmarried and under 21 years of age is not eligible for allowances under this section if a parent of the employee is in the immediate geographic area as a member of the Foreign Service, a member of the uniformed services (as defined in title 37, U.S.C.), a civilian employee under the terms of this subtitle, a private individual, or an employee of a private individual or a non-Federal organization.

(iii) *Denial of allowance to eligible local hires.* Under regulations prescribed by the head of the agency concerned, the agency may in its discretion refuse eligibility for allowances under this subtitle to an employee who was hired locally and who did not sign a written agreement as provided under § 302-1.5(b), provided the agency notifies the employee of its intention before the employee has completed a period of service equal to the period generally applicable to employees of the agency serving at the post of duty concerned or in the same geographic area.

(d) *Liability of employee—noncompliance with new agreement.* An employee who, for reasons not beyond his/her control and not acceptable to the agency concerned, fails to complete the period of service specified in a new service agreement is obligated for expenses and for allowances paid to him/her.

(1) *Failure to complete initial year of service.* (i) If the employee fails to complete 1 year of service under a new agreement, he/she is indebted to the Government for any amounts spent by the Government for:

(A) His/her transportation and per diem and transportation for his/her immediate family incident to tour renewal agreement travel from the post of duty to his/her place of actual residence and from the place of actual residence to the last post of duty where he/she failed to complete a year of service;

(B) Transportation for any member of the immediate family who traveled from the former to the last post of duty without going to the actual place of residence;

(C) Transportation of his/her household goods from the former post of duty to the last post of duty (including amounts spent for packing, crating, drayage, unpacking, and temporary storage); and

(D) Any other allowances paid under this subtitle when a transfer of official station is involved.

(ii) In addition, the employee must bear the expense of transportation for himself/herself, and the family and household goods from the last post of duty to the place of actual residence, and he/she is indebted to the Government for any amounts spent by the Government for these purposes.

(iii) The employee is entitled to an allowance if, prior to his/her current agreement which he/she did not complete, he/she completed an agreed period of service for which he/she did not receive all allowances to which he/she was entitled. The employee in such an instance is entitled to allowances for the return of himself/herself, and the family and household goods (including costs of packing, crating, drayage, unpacking, and temporary storage) from the post of duty at which the former period of service was completed to the actual place of residence.

(iv) Since the employee did not avail himself/herself of the entitlement described in paragraph (d)(1)(iii) of this section, the costs that would have been incurred for that purpose may be applied as a setoff against the indebtedness described in paragraphs (d)(1) (i)

and (ii) of this section. The setoff amount shall be applied as follows:

(A) If the amount of the setoff is less than the indebtedness, the difference is a debt due the Government; or

(B) If the setoff is larger than the indebtedness, the difference (excess setoff) will be applied to the costs, for which the employee is responsible, of moving the employee, and the family and household goods from the post of duty where he/she failed to complete a year of service to the place of actual residence. If the amount of excess setoff equals or exceeds the costs for which the employee is responsible, the Government will procure and pay for such transportation in full. If the amount of excess setoff is less than the costs for which the employee is responsible, the Government may procure and pay for the transportation and obtain reimbursement from the employee for the difference between the total costs and the amount of the excess setoff to be applied against the costs, or allow the employee to pay the total costs and reimburse him/her for the applicable amounts upon submission of an appropriate voucher.

(2) *Failure to complete agreed period after initial year.* (i) If the employee completes 1 year or more of service under a new agreement, but does not complete the entire period of service specified in the agreement, he/she is not indebted to the Government for amounts spent by the Government for transportation and per diem for the employee and for transportation of his/her immediate family incident to tour renewal agreement travel from the post of duty at which he/she completed the previous tour of duty to his/her place of actual residence and from the place of actual residence to the post of duty at which he/she failed to complete the agreed upon tour of duty. Furthermore, if the post of duty where the employee failed to complete his/her agreement is not the same as the place where he/she did complete his/her previous assignment, he/she is not indebted for the costs of transporting any members of the immediate family who traveled from the former to the latter post of duty without going to the actual place of residence, nor for the costs of transporting his/her household

goods between these two posts of duty, including any related costs of packing, crating, drayage, unpacking, and temporary storage or for other allowances paid under this chapter incident to the transfer of official station.

(ii) However, when the employee fails to complete the agreed period of service after the initial year, the employee must bear the costs of transportation for himself/herself and the immediate family and household goods from the post of duty at which he/she did not complete the agreed upon tour of duty under the new agreement to the place of actual residence.

(iii) For the reasons described in paragraph (d)(1)(iii) of this section, however, the employee shall be allowed credit for an amount equal to the costs of transporting, from the post of duty at which the former period of service was completed to the place of actual residence, the household goods and any members of the immediate family who did not accompany him/her when he/she returned to the place of actual residence incident to renewal agreement travel toward the costs (see paragraph (d)(2)(ii) of this section) of return to the place of actual residence.

(iv) The credit amount allowable and the costs involved shall be computed in the same manner as provided in paragraph (d)(1)(iv) of this section.

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 10, 55 FR 41536, Oct. 12, 1990; FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 84, 64 FR 29163, May 28, 1999]

§ 302-1.14 Use of funds.

(a) *Advance of funds—(1) Basis.* An employee may be advanced funds for use while traveling and for certain expenses which he/she may incur incident to a transfer based on his/her prospective entitlement to reimbursement for those expenses after they are incurred.

(2) *Rules.* Advances and collection of advances by deduction from the employee's voucher are subject to chapter 301 of this title.

(3) *Anticipated entitlements which may justify an advance.* The expected entitlement of an employee to reimbursement for the following expenses will form the basis for payment of a travel

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advance. Specific authority with regard to each type of expense is contained in the sections governing the particular allowances.

(i) Per diem, mileage, and common carrier costs incident to his/her change of official station travel as set forth in § 302-2.4;

(ii) Authorized househunting trips as set forth in § 302-4.16 of this chapter;

(iii) Subsistence while occupying temporary quarters as set forth in § 302-5.15 of this chapter;

(iv) Transportation and temporary storage of household goods as set forth in § 302-8.6;

(v) Transportation of mobile homes as set forth in § 302-7.5; and

(vi) Transportation and emergency storage of employee's privately owned vehicle as set forth in § 302-10.11 of this chapter.

(b) *Funding of transfers between agencies.* In the case of transfer from one agency to another, allowable expenses shall be paid from the funds of the agency to which the employee is transferred. However, in transfers between agencies for reasons of reduction-in-force or transfer of functions, expenses allowable under this chapter may be paid in whole or in part by the agency from which the employee is transferred or by the agency to which he/she is transferred as may be agreed upon by the heads of the agencies concerned except as excluded in paragraphs (b) (1) and (2) of this section.

(1) Nontemporary storage when assigned to an isolated permanent duty station within the continental United States; and

(2) Transfers to, from, or between foreign countries (except the areas and installations in the Republic of Panama made available to the United States under the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)).

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 59, 62 FR 13756, Mar. 21, 1997; FTR Amdt. 63, 62 FR 13768, Mar. 21, 1997; FTR Amdt. 65, 62 FR 13794, Mar. 21, 1997]

§ 302-1.15 Waiver of limitations for an employee relocating to or from a remote or isolated location.

The head of an agency or his/her designee may waive any limitation contained in subchapter II of chapter 57 of title 5, United States Code, or in any regulation (including this chapter) implementing those statutory provisions, for any employee relocating to or from a remote or isolated location when the following conditions are met:

(a) The limitation if not waived would cause the employee to suffer a hardship; and

(b) The head of the agency or his/her designee certifies in writing that the limitation is waived and the reason(s) for the waiver.

[FTR Amdt. 58, 62 FR 10709, Mar. 10, 1997]

Subpart B—Relocation Entitlements Upon Separation for Retirement

§ 302-1.100 Applicability.

(a) *Individuals covered*—(1) *Career appointees to the Senior Executive Service (SES).* The provisions of this subpart are applicable to career appointees in SES positions. For purposes of this subpart, the definitions in paragraphs (a)(1) (i) and (ii) of this section apply.

(i) *Career appointee* as defined in 5 U.S.C. 3132(a)(4) means an individual in an SES position whose appointment to the position or previous appointment to another SES position was based on approval by the Office of Personnel Management of the executive qualifications of such individual.

(ii) *Senior Executive Service (SES) position* as defined in 5 U.S.C. 3132(a)(2) means:

(A) Any position in an agency which is classified above GS-15 of the General Schedule pursuant to 5 U.S.C. 5108 or is in Level IV or V of the Executive Schedule; or

(B) An equivalent position which is not required to be filled by an appointment by the President by and with the advice and consent of the Senate, and is a position which includes one or more of the duties listed in 5 U.S.C. 3132(a)(2).

(2) *Appointees who elect to retain SES retirement benefits.* The provisions of this subpart are applicable to a non-SES appointee if the conditions listed in paragraphs (a)(2) (i) through (iii) of this section are met:

(i) The appointee's basic rate of pay is at Level V of the Executive Schedule or higher;

(ii) The appointee was previously a career appointee in the SES; and

(iii) The appointee elected under 5 U.S.C. 3392(c) to retain SES retirement benefits.

(3) *Medical Center Directors.* The provisions of this subpart are applicable to individuals who:

(i) Served as a director of a Department of Veteran's Affairs medical center under 38 U.S.C. 4103(a)(8) as in effect on November 17, 1988;

(ii) Separated from Government service on or after October 2, 1992; and

(iii) Are not otherwise covered under paragraph (a) (1) or (2) of this section.

(b) *Immediate family of deceased covered individual.* The provisions of this subpart apply to the immediate family of a covered individual, as defined in paragraph (a)(1) of this section, who satisfies the eligibility criteria in §302-1.101, and who:

(1) Died in Government service on or after January 1, 1994; or

(2) Died after separating from Government service but before travel and/or transportation authorized under this subpart were completed.

(c) *Exclusions.* The provisions of this subpart are not applicable to individuals whose appointment in the SES is a limited term, limited emergency, or noncareer appointment. (See 5 U.S.C. 3132(a) (5) through (7) for definitions of excluded types of appointment.)

[FTR Amdt. 32, 58 FR 58243, Oct. 29, 1993, as amended by 62 FR 26374, May 13, 1997]

§ 302-1.101 Eligibility criteria.

Upon separation from Federal service for retirement, a covered individual as defined in §302-1.100(a) of this subpart (or a deceased covered individual's immediate family as described in §302-1.100(b)) is eligible for those travel and transportation allowances specified in §302-1.103 of this subpart, if such individual meets the following criteria:

(a) Was transferred or reassigned geographically at any time in the interest of the Government and at Government expense from one official station to another for permanent duty in a position described in §302-1.100(a) of this subpart, including a transfer or reassignment:

(1) From an SES career appointment to another SES career appointment;

(2) From an SES career appointment to an appointment outside the SES at a rate of pay equal to or higher than Level V of the Executive Schedule, and the employee elects to retain SES retirement benefits under 5 U.S.C. 3392; or

(3) From other than an SES career appointment, including an appointment in a civil service position outside the SES, to an SES career appointment;

(b) At the time of the transfer or reassignment:

(1) Was eligible to receive an annuity for optional retirement under section 8336(a), (b), (c), (e), (f), or (j) of subchapter III of chapter 83 (Civil Service Retirement System (CSRS)) or under section 8412 of subchapter II of chapter 84 (Federal Employees Retirement System (FERS)) of title 5, U.S.C.; or

(2) Was within 5 years of eligibility to receive an annuity for optional retirement under one of the authorities in paragraph (b)(1) of this section; or

(3) Was eligible to receive an annuity based on discontinued service retirement, or early voluntary retirement under an OPM authorization, under section 8336(d) of subchapter III of chapter 83 or under section 8414(b) of subchapter II of chapter 84 of title 5, U.S.C.;

(c) Is separated from Federal service on or after September 22, 1988;

(d) Is eligible to receive an annuity upon such separation (or, in the case of death in Government service, met the requirements for being considered eligible to receive an annuity, as of the date of death) under the provisions of subchapter III of chapter 83 (CSRS) or chapter 84 (FERS) of title 5, U.S.C., including an annuity based on optional retirement, discontinued service retirement, early voluntary retirement under an OPM authorization, or disability retirement; and

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(e) Has not previously been authorized and received “last move home” benefits upon separation from Federal service for retirement.

[FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991; 56 FR 28796, June 24, 1991, as amended by FTR Amdt. 32, 58 FR 58243, Oct. 29, 1993; 62 FR 26375, May 13, 1997]

§ 302-1.102 Agency authorization or approval.

(a) *Covered individuals.* An individual who is eligible for moving expenses under this subpart shall submit a request to the designated agency official for authorization or approval of the moving expenses stating tentative moving dates and origin and destination locations of the planned move. Such requests shall be submitted in a format and timeframe as prescribed by agency policy and procedures.

(b) *Immediate family of deceased covered individual.* Travel and transportation under this subpart are payable for the immediate family of a covered individual who died while in Government service during the period beginning on January 1, 1994, and ending October 6, 1994, upon the immediate family's written application submitted to the designated agency official by May 13, 1998.

[62 FR 26375, May 13, 1997]

§ 302-1.103 Allowable expenses.

When the head of the agency concerned, or his/her designee, authorizes or approves, the travel and transportation expenses specified in this section shall be paid for those individuals who are eligible for such expenses under § 302-1.101. Allowable expenses are as follows:

(a) Travel expenses including per diem under § 302-2.1 for the individual.

(b) Transportation expenses under § 302-2.2(a), but not per diem, for the individual's immediate family.

(c) Mileage allowance under § 302-2.3, to the extent travel is performed by privately owned automobile.

(d) Transportation and temporary storage of household goods under part 302-8 not to exceed 18,000 pounds net weight.

[FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991; 56 FR 28796, June 24, 1991]

§ 302-1.104 Expenses not allowable.

Items of expense not listed in § 302-1.103 which generally are authorized for reimbursement in the case of transferred employees; (e.g., per diem for family, cost of househunting trip, subsistence while occupying temporary quarters, miscellaneous expense allowance, residence sale and purchase expenses, leasebreaking expenses, non-temporary storage of household goods, relocation income tax allowance, and relocation services) are not authorized upon the eligible individual's retirement.

[FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991, as amended by FTR Amdt. 32, 58 FR 58244, Oct. 29, 1993]

§ 302-1.105 Origin and destination.

(a) The expenses listed in § 302-1.103 may be paid from the official station where separation of the eligible individual occurs to the place where the individual has elected to reside within the United States; or if the individual dies before separating or after separating but before the travel and transportation are completed, expenses may be paid from the deceased individual's official station at the time of death or where separation occurred, as appropriate, to the place within the areas listed in this paragraph where the immediate family elects to reside even if different from the place elected by the separated eligible individual.

(b) Travel and transportation expenses may be paid from an alternate origin or more than one origin provided the cost does not exceed the cost that the Government would have paid if all travel and transportation had originated at the official station from which the individual was separated to the place where the individual, or the immediate family, will reside.

(c) This subpart contemplates a move to a different geographical area. In the event the place where the individual has elected to reside is within the same general local or metropolitan area in which the official station or residence was located at the time of the individual's separation, the expenses authorized by this subpart may not be paid unless the mileage criteria

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specified in § 302-1.7 for a short distance transfer are met.

[54 FR 29716, July 14, 1989, as amended by FTR Amdt. 16, 56 FR 15050, Apr. 15, 1991; 56 FR 28796, June 24, 1991; FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 32, 58 FR 58244, Oct. 29, 1993; 62 FR 26375, May 13, 1997; FTR Amdt. 84, 64 FR 29163, May 28, 1999]

§ 302-1.106 Time limits for beginning travel and transportation.

(a) Except as provided in paragraph (b) of this section, all travel, including that for the separated covered individual, and transportation, including that for household goods, allowed under this subpart, shall be accomplished within 6 months of the date of separation (or date of death if the individual died before separating), or other reasonable period of time as determined by the agency concerned, but in no case later than 2 years from the effective date of the individual's separation from Government service (or date of death if the individual died before separating).

(b) For the immediate family of a covered individual who died in Government service between January 1, 1994 and May 13, 1997, all travel and transportation, including that for household goods, allowed under this subpart, shall be accomplished no later than May 13, 1999.

[62 FR 26375, May 13, 1997]

§ 302-1.107 Use of funds.

Travel advances will not be issued to cover any of the expenses authorized by this subpart. Transportation expenses should be paid through the use of U.S. Government Transportation Requests and U.S. Government Bills of Lading to the maximum extent possible to minimize travel and transportation costs and the need for individuals to use personal funds. However, individuals who have been authorized or approved to make their own moving arrangements may be reimbursed for their actual transportation expenses not to exceed applicable coach air fares for transportation of the individual and immediate family, or the applicable allowances under the commuted rate

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schedule for moving and storage of the household goods.

[FTR Amdt. 16, 56 FR 15051, Apr. 15, 1991]

Subpart C—Employee's Temporary Change of Station

SOURCE: FTR Amdt. 64, 62 FR 13771, Mar. 21, 1997, unless otherwise noted.

NOTE TO SUBPART C: Use of the pronouns "I" and "you" throughout this subpart refers to the employee.

§ 302-1.200 What is a "temporary change of station (TCS)"?

TCS means the relocation of an employee to a new official station for a temporary period while the employee is performing a long-term assignment, and subsequent return of the employee to the previous official station upon completion of that assignment.

§ 302-1.201 What is the purpose of a TCS?

TCS provides agencies an alternative to a long-term temporary duty travel assignment to increase employee satisfaction and enhance morale, reduce the employee's income tax liability, and save the Government money.

§ 302-1.202 Am I eligible for a TCS?

Yes, if you are an employee who is directed to perform a long-term assignment at a temporary location, and you otherwise would be eligible for payment of temporary duty travel allowances authorized under chapter 301 of this subtitle. For exceptions, see § 302-1.203.

§ 302-1.203 Who is not eligible for a TCS?

The following individuals are not eligible for a TCS:

- (a) A new appointee;
- (b) An employee assigned to or from a State or local Government under the Intergovernmental Personnel Act (5 U.S.C. 3372, et. seq.);
- (c) An individual employed intermittently in the Government service as a consultant or expert and paid on a daily when-actually-employed (WAE) basis;
- (d) An individual serving without pay or at \$1 a year; or

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(e) An employee assigned under the Government Employees Training Act (5 U.S.C. 4109).

§ 302-1.204 Must my agency authorize a TCS when I am directed to perform a long-term assignment at a temporary official station?

No. Your agency determines the conditions under which a TCS is necessary to accomplish the purposes of the Government effectively and economically.

§ 302-1.205 Under what circumstances will my agency authorize a TCS?

Your agency will authorize a TCS when:

(a) You are directed to perform a long-term assignment at another duty station;

(b) Your agency otherwise could authorize temporary duty travel and pay travel allowances, including payment of subsistence expenses, under chapter 301 of this subtitle for the long-term assignment;

(c) Your agency determines it would be more advantageous, cost and other factors considered, to authorize a TCS; and

(d) You meet any additional conditions your agency has established.

§ 302-1.206 If my agency authorizes a TCS, do I have the option of electing payment of temporary duty travel allowances instead?

No.

§ 302-1.207 How long must my assignment be for me to qualify for a TCS?

Not less than 6 months, nor more than 30 months.

§ 302-1.208 What is the effect on my TCS reimbursement if my assignment lasts less than 6 months?

Your agency may authorize a TCS only when a long-term assignment is expected to last 6 months or more. If your assignment is cut short for reasons other than separation from Government service, you will be paid TCS expenses.

§ 302-1.209 What is the effect on my TCS reimbursement if my assignment lasts more than 30 months?

If your assignment exceeds 30 months, your agency must permanently assign you to the temporary official station or return you to your previous official station. Your agency may not pay for nontemporary storage or property management services incurred after the last day of the thirtieth month. Your agency must pay the expenses of returning you and your immediate family and household goods to your previous official station unless you are permanently assigned to your temporary official station.

§ 302-1.210 Is there any required minimum distance between an official station and a long-term assignment location that must be met for me to qualify for a TCS?

No. Your agency may establish the area within which it will not authorize a TCS.

§ 302-1.211 Must I sign a service agreement to qualify for a TCS?

No.

§ 302-1.212 What is my official station during my long-term assignment?

Your official station is the location of your long-term assignment.

EXPENSES PAID UPON ASSIGNMENT

§ 302-1.213 What expenses must my agency pay for a TCS upon my assignment?

Your agency must pay the following:

(a) Travel, including per diem, for you and your immediate family under part 302-2 of this chapter;

(b) Transportation and temporary storage of your household goods under part 302-8 of this chapter;

(c) Transportation of a mobile home instead of transportation of household goods under part 302-7 of this chapter;

(d) A miscellaneous expenses allowance under part 302-3 of this chapter;

(e) Transportation of a privately owned vehicle(s) under part 302-10 of this chapter; and

(f) A relocation income tax allowance under part 302-11 of this chapter for additional income taxes you incur on payments your agency makes under

the authority of this section and § 302-1.214 for your relocation expenses.

§ 302-1.214 What expenses may my agency pay for a TCS upon my assignment?

Your agency may pay the following:

- (a) Househunting trip expenses under part 302-4 of this chapter; and
- (b) Temporary quarters subsistence expenses under part 302-5 of this chapter.

EXPENSES PAID DURING ASSIGNMENT

§ 302-1.215 If my agency authorizes a TCS, will it pay for nontemporary storage of my household goods?

Yes, when nontemporary storage is necessary. Nontemporary storage expenses include necessary packing, crating, unpacking, uncrating, transporting to and from place of storage, charges while in storage, and other necessary charges directly related to storage.

§ 302-1.216 How long may my agency pay for nontemporary storage of household goods?

For the duration of your long-term assignment.

§ 302-1.217 Is there any limitation on the combined weight of household goods I may transport or nontemporarily store at Government expense?

Yes, the maximum combined weight is 18,000 pounds net weight. If you transport and/or nontemporarily store household goods in excess of the maximum weight allowance, you will be responsible for any excess cost.

§ 302-1.218 What are the income tax consequences if my agency pays for nontemporary storage of my household goods?

You will be taxed on the amount of nontemporary storage expenses your agency pays. However, your agency will pay you a relocation income tax allowance under part 302-11 of this chapter for substantially all of the additional Federal, State and local income taxes you incur on the expenses your agency pays.

§ 302-1.219 Will my agency pay for property management services when I am authorized a TCS?

Yes. Your agency will reimburse you directly for expenses you incur or make payments on your behalf to a relocation services company, if you so choose. The term “property management services” refers to a program provided by a private company for a fee, which assists you in managing your residence at your previous official station as a rental property. Services provided by the company may include, but are not limited to, obtaining a tenant, negotiating a lease, inspecting the property regularly, managing repairs and maintenance, enforcing lease terms, collecting the rent, paying the mortgage and other carrying expenses from rental proceeds and/or funds of the employee, and accounting for the transactions and providing periodic reports to the employee.

§ 302-1.220 What is the property for which my agency will pay for property management services?

Only your residence at your previous official station.

§ 302-1.221 How long will my agency pay for property management services?

For the duration of your long-term assignment.

§ 302-1.222 What are the income tax consequences when my agency pays for property management services?

You will be taxed on the amount of property management expenses your agency pays, whether it reimburses you directly for your expenses or pays a relocation services company to manage your residence. However, your agency will pay you a relocation income tax allowance under part 302-11 of this chapter for substantially all of the additional Federal, State and local income taxes you incur on the expenses your agency pays. You may wish to consult with a tax advisor to determine whether you will incur any additional tax liability, unrelated to your agency's payment of your property management expenses, as a result of maintaining your residence as a rental property.

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EXPENSES PAID UPON COMPLETION OF ASSIGNMENT OR UPON SEPARATION FROM GOVERNMENT SERVICE

§ 302-1.223 What expenses will my agency pay when I complete my long-term assignment?

Your agency will pay the following expenses in connection with your return to your previous official station:

- (a) Travel, including per diem, for you and your immediate family under part 302-2 of this chapter;
- (b) Transportation and temporary storage of your household goods under part 302-8 of this chapter;
- (c) Transportation of a mobile home instead of transportation of your household goods under part 302-7 of this chapter;
- (d) Temporary quarters subsistence expenses under part 302-5 of this chapter;
- (e) A miscellaneous expenses allowance under part 302-3 of this chapter;
- (f) Transportation of a privately owned vehicle(s) under part 302-10 of this chapter; and
- (g) A relocation income tax allowance under part 302-11 of this chapter for additional income taxes you incur on payments your agency makes under the authority of this section for your relocation expenses.

§ 302-1.224 If I separate from Government service upon completion of my long-term assignment, what relocation expenses will my agency pay upon my separation?

The same relocation expenses it would have paid had you not separated from Government service upon completion of your long-term assignment.

§ 302-1.225 If I separate from Government service prior to completion of my long-term assignment, what relocation expenses will my agency pay upon my separation?

If the separation is for reasons beyond your control that are acceptable to your agency, your agency will pay the same relocation expenses it would pay under § 302-1.224 if you separated from Government service upon completion of the long-term assignment. If this is not the case, the expenses your agency pays may not exceed the reimbursement that you would have re-

ceived under chapter 301 of this subtitle had you been authorized to perform temporary duty travel for the duration of the long-term assignment.

§ 302-1.226 If I have been authorized successive temporary changes of station and reassigned from one temporary official station to another, what expenses will my agency pay upon completion of my last assignment or my separation from Government service?

Your agency will pay the expenses authorized in § 302-1.223 for your relocation from your current temporary official station to your last permanent official station.

PERMANENT ASSIGNMENT TO TEMPORARY OFFICIAL STATION

§ 302-1.227 How is payment of my TCS expenses affected if I am permanently assigned to my temporary official station?

Payment of TCS expenses stops once your temporary official station becomes your permanent official station. Your agency may not pay any TCS expenses incurred beginning the day your temporary official station becomes your permanent official station.

§ 302-1.228 What relocation allowances may my agency pay when I am permanently assigned to my temporary official station?

Your agency may pay the following:

- (a) Travel, including per diem, under part 302-2 of this chapter for one round trip between your temporary official station and your previous official station for you and members of your immediate family who relocated to the temporary official station with you. Your agency may also pay the same expenses for a one-way trip from the previous official station to the new permanent official station for any immediate family members who did not accompany you to the temporary official station.
- (b) Residence transaction expenses under part 302-6 of this chapter;
- (c) Property management expenses under part 302-15 of this chapter;
- (d) Residence-related relocation services expenses, (e.g. expenses under a homesale program, expenses for homefinding assistance, and property

management services) under part 302-12 of this chapter;

(e) Temporary quarters subsistence expenses under part 302-5 of this chapter;

(f) Transportation of household goods not previously transported to the temporary official station under part 302-8 of this chapter; and

(g) Transportation of a privately owned vehicle(s) not previously transported to the temporary official station under part 302-10 of this chapter.

[FTR Amdt. 64, 62 FR 13711, Mar. 21, 1997, as amended by FTR Amdt. 84, 64 FR 29163, May 28, 1999]

§ 302-1.229 If I am permanently assigned to my temporary official station, is there any limitation on the weight of household goods I may transport at Government expense to my official station?

Yes. You are limited to 18,000 pounds net weight. This maximum weight will be reduced by the weight of any household goods transported at Government expense to your temporary official station under your TCS authorization. Subject to the 18,000 pound limit, your agency will pay to transport any household goods in nontemporary storage to your official station. Additionally, if you change your residence as a result of your permanent assignment to your temporary official station, your agency may pay for transporting your household goods, subject to the 18,000 pound limit, between the residence you occupied during your temporary assignment and your new residence.

§ 302-1.230 Are there any relocation allowances my agency may not pay if I am permanently assigned to my temporary official station?

Your agency may not pay for the following:

(a) Expenses of a househunting trip for you and your spouse to your temporary official station under part 302-4 of this chapter; or

(b) Residence transaction expenses for selling a residence or breaking a lease at the temporary official station under part 302-6 of this chapter.

Subpart D—Agency Responsibilities for Temporary Change of Station

SOURCE: FTR Amdt. 64, 62 FR 13774, Mar. 21, 1997, unless otherwise noted.

NOTE TO SUBPART D: Use of the pronouns “we” and “you” throughout this subpart refers to the agency.

§ 302-1.300 How should we administer our TCS program?

To minimize your travel and relocation costs.

§ 302-1.301 What governing policies must we establish for our TCS program?

Policies and procedures that govern:

(a) When you will authorize a TCS, including whether you will impose a minimum distance between the employee's current official station and the proposed temporary official station for an employee to qualify for a TCS; and

(b) Who will determine whether authorization of a TCS is appropriate in each situation.

§ 302-1.302 What factors should we consider in determining whether to authorize a TCS for a long-term assignment?

You should consider the following factors in determining whether to authorize a TCS:

(a) *Cost considerations.* You should consider the cost of each alternative. A long-term temporary duty travel assignment requires the payment of either per diem or actual subsistence expenses for the entire period of the assignment. This could be very costly to the agency over an extended period. A TCS will require fairly substantial relocation allowance payments at the beginning and end of the assignment, and less substantial payments for nontemporary storage and property management services, when authorized, during the period of the assignment. Agencies should estimate the total cost of each alternative and authorize the one that is most advantageous for the agency, cost and other factors considered.

(b) *Length of the long-term assignment.* You should consider the length of the

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long-term assignment. The purpose of temporary duty travel allowances is to reimburse an employee for additional costs, including subsistence costs, incurred as a result of performing official business away from his/her official station. An employee receives a salary intended to cover his/her living expenses, including subsistence costs, at the official station. When an employee performs a long-term assignment and obtains extended stay living accommodations with facilities not unlike those the employee has at the official station, the assignment characteristics may be more similar to subsisting at the official station than at a temporary duty station. When this situation occurs, payment of temporary duty travel allowances in addition to payment of salary creates an inequitable reimbursement situation between an employee performing official travel and an employee officially stationed at the same location. In this situation, you should strongly consider authorizing a TCS for a long-term assignment.

(c) *Tax considerations.* An employee who performs a temporary duty travel assignment exceeding one year at a single location is subject to income taxation of his/her travel expense reimbursements. An employee who is authorized and performs a TCS also will be subject to income taxation of some, but not all, of his/her TCS expenses. You will pay an offsetting relocation income tax allowance on an employee's TCS expense reimbursements but unless specifically authorized by statute, you do not have authority to pay such an allowance for income taxes incurred on temporary duty travel reimbursements. You, therefore, should authorize a TCS if a long-term temporary duty assignment will result in an unreimbursable income tax liability on an employee.

(d) *Employee concerns.* The long-term assignment of an employee away from his/her official station and immediate family may negatively affect the employee's morale and job performance. Such negative effects may be alleviated by authorizing a TCS so the employee can transport his/her immediate family and/or household goods at Government expense to the location where

he/she will perform the long-term assignment. You should consider the effects of a long-term temporary duty travel assignment on an employee when deciding whether to authorize a TCS.

PART 302-2—ALLOWANCES FOR SUBSISTENCE AND TRANSPORTATION

Sec.

302-2.1 For the employee.

302-2.2 For members of an employee's immediate family.

302-2.3 For use of a privately owned automobile in connection with permanent change of station.

302-2.4 Advance of funds.

AUTHORITY: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971-1975 Comp., p. 586.

§ 302-2.1 For the employee.

(a) *Applicability.* This part applies to travel of

(1) Transferred employees,

(2) New appointees, and

(3) Employees assigned to posts of duty outside the continental United States in connection with either overseas tour renewal agreement travel or return travel to places of residence for the purpose of separation.

(b) *Payment for employee's travel expenses.* Except as specifically provided in this chapter, an agency shall pay per diem, transportation costs, and other travel expenses of the employee in accordance with the provisions of 5 U.S.C. 5701-5709 and chapter 301 of this title. The prohibition in § 301-7.5(b) of this title on paying per diem for travel of 12 hours or less applies to change of official station travel.

(c) *Maximum per diem rates for relocation travel—*(1) *Travel when en route between employee's old and new official stations.* The maximum per diem rate for en route travel within CONUS between the employee's old and new official stations shall be the standard CONUS rate prescribed under § 301-7.3 of this title.

(2) *Travel to seek residence quarters.* The maximum per diem rate for travel to seek residence quarters shall be the lesser of the maximum per diem rate prescribed under § 301-7.3 of this title for the locality where the employee